



Order Filed on July 6, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
Authorized Agent for Secured Creditor
130 Clinton Road, Lobby B, Suite 202
Fairfield, NJ 07004
Telephone: 973-575-0707
Facsimile: 973-404-888

Harold Kaplan (HK-0226)

In Re:

Morgan P Levally,

***dba* DBA Morgan Marine, LLC**

Debtor,

Patricia E Levally,

Joint Debtor.

Case No.: 19-23417-JNP

Chapter: 13

Hearing Date: June 21, 2022

Judge: Jerrold N. Poslusny Jr.

**AGREED ORDER RESOLVING SECURED CREDITOR'S CERTIFICATION OF
DEFAULT**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: July 6, 2022

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Secured Creditor: US Bank Trust National Association

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtors' Counsel: Eric Clayman

Property Involved ("Collateral"): 105 Fifth Drive, Mantua, New Jersey 08051

Relief sought: ■ Certification of Default

For good cause shown, it is **ORDERED** that Secured Creditor's Certification(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 17 months from January 1, 2021 through May 1, 2022.
- The Debtor is overdue for 2 payments from January 1, 2021 through February 1, 2021 at \$848.36 per month.
- The Debtor is overdue for 10 payments from March 1, 2021 through December 1, 2021 at \$858.83 per month.
- The Debtor is overdue for 5 payments from January 1, 2022 through May 1, 2022 at \$868.67 per month.

Funds Held In Suspense \$114.96.

Total Arrearages Due \$14,513.41.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on June 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$ ____.
- Beginning on June 15, 2022, monthly cure payments shall be made in the amount of \$2,418.90 for 5 months with a 6th and final payment of \$2,418.85 coming no later than November 15, 2022.

3. Payments to the Secured Creditor shall be made to the following address(es):

■ Regular monthly payment: Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, SC 29603-0675

■ Monthly cure payment: Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, SC 29603-0675

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Agreed Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Agreed Order.

■ This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Agreed Order.

5. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$200.00 and costs of \$0.00.

The fees and costs are payable:

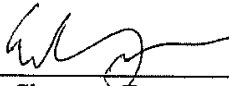
- Through the Chapter 13 plan.
-

☐ To the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.



Eric Clayman, Esq.
Attorney for Debtor(s)
Date:

/s/ Harold Kaplan

Harold Kaplan, Esq.
Attorney for Secured Creditor
Date: 6/29/2022

In re:
Morgan P Levally
Patricia E Levally
Debtors

Case No. 19-23417-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Jul 07, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 09, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Morgan P Levally, Patricia E Levally, 105 Firth Drive, Mantua, NJ 08051-1903

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 09, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 6, 2022 at the address(es) listed below:

Name	Email Address
Aleisha Candace Jennings	on behalf of Creditor USAA FEDERAL SAVINGS BANK ajennings@raslg.com
David Nigro	on behalf of Joint Debtor Patricia E Levally jenkins.clayman@verizon.net
David Nigro	on behalf of Debtor Morgan P Levally jenkins.clayman@verizon.net
Denise E. Carlon	on behalf of Creditor Select Portfolio Servicing Inc. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eric Clayman	on behalf of Joint Debtor Patricia E Levally mail@jenkinsclayman.com JenkinsClayman@jubileebk.net
Eric Clayman	on behalf of Debtor Morgan P Levally mail@jenkinsclayman.com JenkinsClayman@jubileebk.net

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Jul 07, 2022

Form ID: pdf903

Total Noticed: 1

Harold N. Kaplan

on behalf of Creditor Select Portfolio Servicing Inc. hkaplan@rasnj.com, informationathnk@aol.com

Harold N. Kaplan

on behalf of Creditor US BANK TRUST NATIONAL ASSOCIATION NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR VRMTG ASSET TRUST hkaplan@rasnj.com, informationathnk@aol.com

Harold N. Kaplan

on behalf of Creditor Nationstar Mortgage LLC hkaplan@rasnj.com informationathnk@aol.com

Harold N. Kaplan

on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER hkaplan@rasnj.com informationathnk@aol.com

Isabel C. Balboa

on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

Jeffrey E. Jenkins

on behalf of Debtor Morgan P Levally mail@jenkinsclayman.com JenkinsClayman@jubileebk.net

Jeffrey E. Jenkins

on behalf of Joint Debtor Patricia E Levally mail@jenkinsclayman.com JenkinsClayman@jubileebk.net

Rebecca Ann Solarz

on behalf of Creditor Select Portfolio Servicing Inc. rsolarz@kmlawgroup.com

Rhondi L. Schwartz

on behalf of Debtor Morgan P Levally mail@jenkinsclayman.com

Rhondi L. Schwartz

on behalf of Joint Debtor Patricia E Levally mail@jenkinsclayman.com

Stephanie F. Ritigstein

on behalf of Joint Debtor Patricia E Levally mail@jenkinsclayman.com kevin@jenkinsclayman.com

Stephanie F. Ritigstein

on behalf of Debtor Morgan P Levally mail@jenkinsclayman.com kevin@jenkinsclayman.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 20